

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**MICHAEL S. OWL  
FEATHER-GORBEY,**

Plaintiff,

V.

**ADMINISTRATOR, F. BOP  
DESIGNATION CENTER, GRAND  
PRAIRIE TEXAS,**

Defendant.

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Civil Action No. **3:22-CV-566-L-BH**

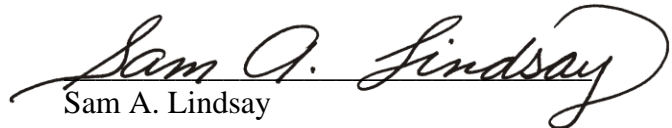
## ORDER

The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 7) was entered on March 11, 2022, recommending that the court deny Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 5); and summarily dismiss this action as barred by the “three strikes” rule, 28 U.S.C. § 1915(g), unless Plaintiff timely pays the filing fee before expiration of the deadline for filing objections to the Report or another deadline established by the undersigned. No objections to the Report were filed, and no filing fee was paid by the deadline for asserting objections.

Having considered the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 5); and **dismisses with prejudice** this action as barred by the "three strikes" rule, 28 U.S.C. § 1915(g).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed in forma pauperis on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 31st day of March, 2022.

  
Sam A. Lindsay  
United States District Judge